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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,119	08/08/2003	Boris Apotovsky	11345.1	3821

7590 06/05/2007  
NEIL K. NYDEGGER  
NYDEGGER & ASSOCIATES  
348 Olive Street  
San Diego, CA 92103

EXAMINER

SHAYANFAR, ALI

ART UNIT	PAPER NUMBER
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2142

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/637,119	Applicant(s) APOTOVSKY, BORIS	
	Examiner Ali Shayanfar	Art Unit 2142	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) 8-20 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/29/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I, Claims 1-7 in the reply filed on 5/29/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. This application contains Group II claims 8-15 and Group III claims 16-20 drawn to an invention nonelected without traverse in Paper No. 10/637,119. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng et al (6,542,943 B2).

As to claim 1, Cheng shows: A system for establishing communications between a client and a service provider which comprises a plurality of databases for respectively storing collected information( Col 21, line 45-54, Col 17, line 1-6, Fig. 7, 709-711-717 ) a base facility, (examiner noted that base facility comprises service provider, which is clearly shown on (Col 10, line 12-15)); a plurality of disparate modules interconnected with each other at said base facility, wherein each said module has a dedicated database and is integrated with other said databases in said plurality of databases for use of the collected information therein when performing a specified task;(Col 10 , line 11-29) a facility communicator for use by the client to access a selected said module at said base facility;(Col 3 , line 44-49) and a source communicator for use by the service provider when communicating with the client through one said module for performance of the specified task. (Col 3, line 17-20, line 29-41).

As to claim 2, Cheng shows at least one information and communication module for managing and analyzing the performance of the specified task; (Col 13, line 55-57) and at least one support module for expediting and verifying the implementation of the specified task. (Col 16, line 39-44).

As to claim 3, Cheng shows an error correction module comprising recovery module 908 having an error database. (Col 16, line 13-15).

As to claim 4, Cheng shows a means for accessing a predetermined entity of the service provider; accessing a predetermined entity of the customer; approving and forwarding information from one said entity to another said entity; tracking and managing the performance of the specific task and updating the collected information.(Col 16, line 20-34).

As to claim 5, Cheng shows analyzing the collected information in said plurality of databases over a defined time period;(Col 14, line 3-6). It also shows combining and comparing the collected information; and defining a set of criteria for evaluating the collected information.(Col 14, line 45-65).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al (6,542,943 B2) in view of Peterson et al (US 2004/0193515 A1).

As to claim 6, Cheng shows all the elements in claim 6 and above except

client categories; comment categories; survey categories; number of occurrences; number of occurrences per client category; and number of occurrences per survey category.

Peterson shows client categories; .(page 14, par[0133, 0144]); comment categories.(page 3, par[027]); survey categories.(page 1, par[0004], .(page 9, par[088-0089]); number of occurrences.(page 9, par[0094]); it is noted by examiner that once the information in regards to the client category and survey category is known then it is obvious to find number of occurrences per client category; and number of occurrences per survey category.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Cheng as taught by Peterson in order to provide relationship development plan for developing personal relationship with client.

As to claim 7, Cheng in view of Peterson shows all the elements in claim 7 and above except a maintenance database; a best practices database; and an error database.

However, the examiner takes official notice that it is old and well known in the art to provide maintenance database; a best practices database; and an error database.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Cheng in view of Peterson in order to Have a modular databases for different tasks.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Shayanfar whose telephone number is 571-272-9739. The examiner can normally be reached on M-F.(8:30am-6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ali Shayanfar



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER